

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

IN RE:	:	CHAPTER 7
	:	
ALLISON MARIE FUQUEA,	:	
	:	CASE NO. 20-40942BEM
Debtor.	:	
	:	(HONORABLE BARBARA ELLIS-MONRO)

**CHAPTER 7 TRUSTEE'S APPLICATION FOR COMPENSATION
TO REAL ESTATE PROFESSIONALS, AND REQUEST FOR
APPROVAL OF SHORTENED NOTICE PROCEDURES**

COMES NOW, Thomas D. Richardson, Chapter 7 Trustee (the "Trustee"), and respectfully moves this Court for entry of an Order authorizing Trustee to pay compensation to Rich Montgomery and Howard Realty, Inc. as real estate professionals and Request for Approval of Shortened Notice Procedures. In support thereof, the Trustee respectfully shows the Court as follows:

1. The Debtor, Allison Marie Fuquea, filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on May 18, 2020.
2. Thomas D. Richardson is the duly appointed standing Chapter 7 Trustee.
3. Rich Montgomery and Howard Realty, Inc. were employed as real estate professionals by the Chapter 7 Trustee following the entry of the Court's Orders on July 16, 2020 (Doc. 17) and August 11, 2020 (Doc. 22) authorizing the Trustee's employment of Rich Montgomery and Howard Realty, Inc.
4. The Trustee shows the Court that the services rendered by the Real Estate Professionals resulted in a contract for the sale of real property in the amount of \$215,000.00 with Seller contributing \$4,000.00 in closing costs, netting \$211,000.00, all relating to property located at 1314 East Hermitage Road, Rome, Floyd County, Georgia (the "Property"). The Buyer is Amber Ford.
5. The Trustee shows this Court that the Trustee has filed a Motion to Sell Estate's Interest in Real Estate to Amber Ford, pursuant to 11 U.S.C. §363(b), for Waiver of Fourteen (14) Day Stay set forth in Federal Rule of Bankruptcy Procedure 6004(h), Request for Approval

of Shortened Notice Procedures, and for Other Relief (“Motion to Sell”). Upon approval by the Court of the Motion to Sell, the estate will be authorized to sell the estate’s interest in the real estate described herein for the sum of \$215,000.00 with Seller contributing \$4,000.00 in closing costs.

6. The Trustee shows the Court that the services rendered by the Real Estate Professionals in this case included, without limitation, researching the real property being offered for sale, its tax assessed value, comps and the rendering of advice on issues affecting the real estate and its sale, listing the Property, showing the Property, and facilitating the Trustee’s negotiations in securing a contract on the Property for an amount determined by the Trustee to be fair market value.
7. Trustee’s Application for Authority to Employ Real Estate Professionals recited that the Real Estate Professionals would be paid a 6% commission. In this case, the Real Estate Professionals consent to calculating their 6% commission based on the net sales price of \$211,000.00. From the amount paid to Rich Montgomery and Howard Realty, Inc., they will be responsible for paying the seller broker portion of the commission.
8. The Trustee proposes to pay real estate professionals, upon closing of the contract with the Buyer, a real estate commission as specified above.
9. In Trustee’s Motion to Sell, Trustee seeks reduction of the twenty-one (21) day notice period required by Bankruptcy Rule 2002 to fourteen (14) days, and Trustee likewise requests that the twenty-one (21) day notice period for this Application for Compensation to Real Estate Professionals be reduced to fourteen (14) days to enable Trustee to pay Real Estate Professionals immediately following closing.

WHEREFORE, the Chapter 7 Trustee respectfully moves this Court to shorten the notice requirement to fourteen (14) days as requested herein, and for entry of an Order authorizing Trustee to pay compensation to his real estate professionals, Rich Montgomery and Howard Realty, Inc., of 6% of the net sales price, \$211,000.00 or \$12,660.00, with Rich Montgomery and Howard Realty, Inc. being responsible for disbursement of a commission split with the selling broker. Further, the Chapter 7 Trustee respectfully moves the Court for such other and further relief as the Court deems just and proper.

BRINSON, ASKEW, BERRY, SEIGLER,
RICHARDSON & DAVIS, LLP

A handwritten signature in blue ink, appearing to read "Thos D. Richardson", is written over a horizontal line.

THOMAS D. RICHARDSON

Attorneys for Thomas D. Richardson, Trustee in
bankruptcy for the estate of Allison Marie Fuquea

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CERTIFICATE OF SERVICE

This is to certify that on this day I caused a copy of the foregoing pleading to be served via United States First Class Mail, with adequate postage thereon, on the following parties at the address shown for each:

Debtors(s):

Allison Marie Fuquea
40 E. Camelia Road, NE
Rome, GA 30161

Real Estate Professional(s):

Rich Montgomery
Howard Realty, Inc.
900 North Second Avenue
Rome, GA 30162

Parties-in-Interest:

Floyd County Tax Commissioner
4 Government Plaza
Rome, GA 30161

Virginia Harman, Esquire
Floyd County Attorney
McRae, Smith, Peek, Harman & Monroe, LLP
111 Bridgepoint Plaza, Suite 300
Rome, GA 30161

Creditors filing Claims:

Capital One Bank (USA), N.A.
c/o Ashley Boswell
4515 North Santa Fe Avenue
Oklahoma City, OK 73118

Floyd Primary Care Physicians
c/o Julie Payne
P.O. Box 1882
Rome, GA 30162

Premier Bankcard, LLC
Jefferson Capital Systems LLC assignee
c/o Karen Borgmann
P.O. Box 7999
Saint Cloud, MN 56302-9617

LVNV Funding, LLC
Resurgent Capital Services
c/o Trisha Doan
P.O. Box 10587
Greenville, SC 29603-0587

Harbin Clinic LLC
c/o Nationwide Recovery Service
c/o Paula Jean Tilley
P.O. Box 8005
Cleveland, TN 37320-8005

Verizon
By American InfoSource as agent
c/o Ashley Boswell
4515 N. Santa Fe Avenue
Oklahoma City, OK 73118

I further certify that I have on this day electronically filed the pleading using the Bankruptcy Court's Case Management – Electronic Case Filing System (CM/ECF), which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case and are registered with CM/ECF:


Vanessa A. Leo (Office of the U.S. Trustee)

Jill S. Salter (Debtor's Counsel)

Brian K. Jordan (Counsel for Cenlar FSB)

This 12 day of November, 2020.

**BRINSON, ASKEW, BERRY, SEIGLER,
RICHARDSON & DAVIS, LLP**

By: 
Thomas D. Richardson
Georgia Bar No: 604313
Attorney for Trustee in bankruptcy for the
estate of Allison Marie Fuquea

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